

# **VILLAGE of MICHIANA MASTER PLAN**

**Draft**  
*September 27, 2005*

As adopted by the Village of Michiana Planning Commission on September 17, 2005  
and recommended to the Village Council for Adoption

**Village of Michiana  
Berrien County, Michigan**

# **VILLAGE of MICHIANA MASTER PLAN**

Prepared By The  
**VILLAGE of MICHIANA  
PLANNING COMMISSION**

With The Support Of The  
**VILLAGE of MICHIANA  
VILLAGE COUNCIL**

And The Assistance Of  
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**DRAFT**  
*September 27, 2005*

**Village of Michiana  
Berrien County, Michigan**

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# Chapter One

# INTRODUCTION

## Introduction

This Chapter provides an overview of the Village of Michiana Master Plan and the Master Plan's role, importance, preparation process, and principal policies. It presents the framework for what follows by defining what the Master Plan is and what it is intended to accomplish. Understanding the fundamentals of the Master Plan will enable Village of Michiana residents and officials to appreciate the role it plays in ensuring the future welfare of the Village, its residents and its resources. Embracing this Plan as a vital tool in preserving and enhancing the public health, safety, and welfare of the Village is essential if this Plan is to be effective.

This Plan is intended to serve all Michiana residents, landowners, and visitors, including seasonal and year-round residents. This Plan supports equal recognition of the needs of seasonal and non-seasonal residents. Nothing in this Plan should be interpreted as suggesting the differential treatment or importance of the needs of voting and non-voting landowners.

## What is the Master Plan?

### Purpose

Just as individuals and families plan for their future well being, so must municipalities. Just as individuals may open savings accounts to save for an addition to their house for a growing family, municipalities must look to the future and take specific actions to address current and future needs. Such actions may involve improvements to the roadway network, improvements to the level of emergency services, and the rehabilitation of deteriorating buildings.

This Master Plan is a policy document that identifies how growth and associated land development should be guided to enhance the future welfare of Michiana. The following key words and phrases can generally describe the Master Plan:

**FUTURE ORIENTED:** The plan concerns itself with long-range planning to guide and manage future growth and development. The plan is a picture of Michiana today and a guide to how the community should evolve over the next ten to twenty years in response to growth and community aspirations.

**GENERAL:** The plan establishes broad principles and policies to address future land use and public services.

**COMPREHENSIVE:** The Plan is comprehensive in that it addresses all principal types of land use and the practical geographic boundaries of each.

**A PLAN:** The Plan is a specific tangible document which consists of both text and maps, a key portion of which presents and illustrates the Village's policies regarding its planned future land use pattern and associated public services.

**DYNAMIC:** The Plan is intended to be continually evolving in light of the aspirations of local residents, changing conditions in the Village, and new strategies to manage growth.

The Village of Michiana Planning Commission, under the authority of the Municipal Planning Act, P.A. 285 of 1931 (as amended), prepared this Master Plan. The Act provides for the development of plans by a Planning Commission:

*"The commission shall make and adopt a master plan for the physical development of the municipality, including any areas outside of its boundaries which, in the commission's judgment, bear relation to the planning of the municipality. The plan, with the accompanying map, plats, charts, and descriptive matter shall show the commission's recommendations for the development of the territory...The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the municipality and its environs which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience,*

*prosperity, and general welfare, as well as efficiency and economy in the process of development; including, among other things, adequate provision for traffic, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds, and the adequate provision of public utilities and other public requirements."*

This Master Plan is not a law or regulatory document, but a "policy plan" to be implemented through, in part, zoning and other regulatory tools. For example, though the Master Plan is not a zoning ordinance, the Master Plan's recommendations and policies serve as a basis for updating the current Village of Michiana Zoning Ordinance. In fact, the City and Village Zoning Act, which provides Michigan cities and villages with the statutory authority to adopt zoning regulations, stipulates that a municipality's land development regulations "...shall be made in accordance with a plan designed to promote and accomplish the objectives of this act." This Master Plan addresses this statutory requirement and ensures a strong legal foundation for Village zoning regulations that implement this Plan.

## **Elements of the Master Plan**

This Master Plan consists of the following key components:

- 1) Chapter One – Introduction presents an overview of the purpose and role of the Plan, the process followed in its preparation, key planning policies, and a summary of Village conditions.
- 2) Chapter Two – Village Overview presents an overview of existing conditions and trends in the Village, addressing natural features such as soils, topography, and water resources; cultural features such as roads, land use, and public services; and demographic features such as population, housing, and income.
- 3) Chapter Three – Planning Issues, Goals and Objectives presents a discussion of important planning issues facing the Village today, and associated goals and objectives that address these issues.

- 4) Chapter Four – Future Land Use Strategy presents policies addressing the planned future land use pattern for the Village and coordinated public services.
- 5) Chapter Five – Coordinated Public Services presents policies addressing the coordination of public services with the planned future land use pattern and the Village's overall welfare.
- 6) Chapter Six – Implementation presents implementation measures to effectuate the policies of the Plan.

## **Importance and Application of the Master Plan**

The importance and application of the Village of Michiana Master Plan are demonstrated in: 1) the long-term interests of the Village; and 2) the day-to-day administration of the Village's planning and zoning program.

### **Long Term Interests**

There are a number of interests shared by residents and officials of Michiana today that can be expected to continue for years to come and be similarly shared by future residents and new officials. Some of these important interests include:

- Protecting the Village's quiet residential character.
- Protecting the quality of life of Village residents and families.
- Protecting the Village's natural resources, including its shorelines, trees, woodlands, and wildlife.
- Minimizing tax burdens.
- Ensuring appropriate land use and adequate services to protect the public health, safety, and welfare of residents and visitors.
- Ensuring compatibility with the use and development of neighboring properties.

The Master Plan supports these long-term interests by providing a future-oriented strategy that aggressively seeks to further these interests. Chapter Three establishes goals and objectives, and Chapter Four establishes future land use and public services strategies, to secure these and other long-term interests.

## Day-To-Day Administration

In addition to furthering the long-term interests of the Village, the Master Plan also plays an important role in the day-to-day planning and zoning efforts of the Village:

- Advisory Policies: The Plan is an official advisory policy statement that should be readily shared with existing and prospective landowners and developers. The Plan informs them of the long term intentions of the Village regarding land use and encourages development proposals more closely integrated with the policies of the Plan.
- Regulatory Programs: The Plan establishes a practical basis for the Village to revise, update, or otherwise prepare regulatory programs, including zoning and land division regulations, intended to ensure that the policies of the Plan are implemented.
- Review of Land Development Proposals: Chapter Three includes a list of Village goals and objectives which should be reviewed when consideration is given to future proposed rezoning requests, site plans, and related land use proposals, to further establish a record upon which the proposal can be evaluated. Equally important, Chapter Four provides policies regarding the planned future land use pattern in the Village – valuable reference points upon which land use proposals should be evaluated.
- Public Services Improvements: The identification of a planned future land use pattern enables the Village to pinpoint areas that may be in need of current or future public services improvements. The identification also enables the Village to better determine areas of future need, rather than playing "catch-up" while the Village's health, safety, and welfare may be at risk. Chapters Three and Four provide important guidance in this area.
- Intergovernmental Coordination: This Plan provides the basis for Michiana officials to communicate effectively with nearby communities regarding both the impact of their planning and zoning actions and opportunities for mutual gain through coordinated efforts in the areas of land use and public services.

- Factual Reference: The Plan includes a factual overview of relevant trends and conditions in Michiana. This factual profile can educate local officials and residents and aid in the review of development proposals, encourage constructive discussion of planning issues and policies, and serve as a base line for future studies.

## How The Plan Was Prepared

The Michiana Village Council established the Michiana Planning Commission in November of 2002. The Planning Commission was established in response to growing concern about the Village's need to pursue long-term community planning. Shortly after its creation, the Planning Commission initiated the development of this Master Plan. The Village sought the expertise of a professional planner and a strategy was established for the development of the Master Plan.

Initial activities focused on the collection of important factual information about the Village relevant to the planning process such as land use, public services, and natural features. Then, in the summer of 2004, the Planning Commission held two meetings with the professional planner to discuss issues facing the community and to identify the aspirations of residents regarding these issues and other aspects of the community's future.

A draft plan was then prepared based on the factual information presented and the results of the summer meetings. The initial draft Plan was reviewed by Village officials during the winter months and a revised Plan was then prepared in the spring of 2005. In the interest of regional coordination and compliance with the Municipal Planning Act, the Village forwarded a copy of the draft Plan to neighboring municipalities to solicit their review and comment. The Planning Commission held a public hearing on the draft Plan on August 27, 2005. The Planning Commission considered the comments of adjoining municipalities and the comments of Village residents voiced during the public hearing. The Plan was then further refined and the Planning Commission adopted the Plan on September 17, 2005. The Plan was adopted by the Village Council on \_\_\_\_\_, 2005.

Throughout the development of the Plan, the Village followed the procedural requirements of the Municipal Planning Act including notification of neighboring communities and other entities of the Village's intent to prepare a plan, and the Village's subsequent solicitation for input from neighboring communities (and other entities) on the draft plan.

## **Overview of Planning Policies**

This Plan presents a coordinated strategy that addresses development, redevelopment and preservation. The Plan supports the continuation of Michiana as a quiet lakeside residential community nestled among mature woodlands stands on the shores of Lake Michigan.

The Plan supports the quality of life presently available to local residents and emphasizes the accommodation of new residences in a manner that preserves the character and desirability of nearby residential lots and the Village as a whole. The Plan discourages the future encroachment of commercial or industrial uses due the Village's existing residential character and the availability of more appropriate commercial and industrial sites elsewhere in the local area. However, the Plan supports reasonable opportunities for home occupations that are largely inconspicuous and do not negatively impact nearby properties and the community as a whole. The Plan supports the preservation of the Village's natural resources including its trees, wetlands, White Creek, and the Lake Michigan shoreline and dunes.



## Chapter Two

# VILLAGE OVERVIEW

### Cultural Features

#### Geography & Boundaries

The Village of Michiana is a quiet residential shoreline community in Berrien County, and comprises the southwest corner of Michigan. The Village is triangular in shape, with an east-west span along the Indiana state line of approximately 1.1 miles, a north-south span along New Buffalo Township to the east of 0.7 miles, and 1.3 miles of Lake Michigan shoreline. The Village covers approximately 0.37 square miles, or 235 acres. The Village's southern boundary is defined by the Indiana state line, which aligns with Michiana Drive. The Village's eastern border along New Buffalo Township is defined by the west section line of Section 19 of the township, which lies to the east of Grand Beach Road and East Court.

The Village is located within a mixed landscape of rural and suburban/urban communities. To the east and southeast, like Berrien County as a whole, are the predominantly agricultural communities of New Buffalo Township (Michigan) and Springfield Township (Indiana). However, the Lake Michigan shoreline to the north and south of the Village is comprised of numerous comparatively small cities and villages including Grand Beach and New Buffalo to the north and Michiana Shores and Michigan City to the south in Indiana.

Approximate distances between Michiana and major regional urban centers are: 1) Grand Rapids, 100 miles northeast; 2) Lansing, 160 miles northeast; 3) Detroit, 210 miles east; 4) South Bend, 45 miles east; and 5) Chicago, 70 miles west.

### Access and Circulation

Regional access to Michiana is primarily by Interstate 94 (I-94) and U.S.-12. I-94 travels east and west from Detroit to Chicago, and passes within four miles of the east side of the Village. U.S.-12 also travels in an east-west direction, parallels the Lake Michigan shoreline in the vicinity of the Village, and provides access to local streets within one-quarter mile of the Village. The I-94/U.S.-12 interchange is located approximately seven miles northeast of the Village.

The Village's road network is of a varying character. Lake Shore Drive and Ponchartrain Drive, the roads nearest to the shoreline, parallel the shoreline in a strong linear fashion with periodic grid-like intersecting roads such as Powhathan, Pokagon, and Tahoma Trails. The road network takes on a grid-like pattern in the far southeastern corner of the Village also, where Creek Drive, Choctaw Trail, Comanche Trail, and Chippewa Trail parallel the shoreline and are bisected by Chickagam Trail. The road network through the middle region of the Village is quite hilly and curvilinear and is absent of any grid character. Some of these roads include Birchmont Avenue, Dune Ridge Drive, Cherokee Drive, Hillside Trail, and Briarwood Trail.

Nearly all of the Village's roads share three common features – they are paved, tree-lined, and of a comparatively narrow width by today's standards. Typical right-of-way widths are 40' and driveable widths are 18', with no shoulders. Cherokee Drive in the area of the Village Hall, is noticeably wider. The street network is designed for local low volume traffic.

Of significance is the functional classification of the Village's roads as established by the Federal Highway Administration (FHA). The FHA classifies road segments according to their function – the extent to which the road is intended to facilitate traffic movement over long distances and/or the collection of locally generated traffic, versus access to abutting property. All of the roads in the Village are classified as “local streets and roads.” Such roads are intended to serve primarily for access to adjacent properties. Absent in the Village are any roads classified as *interstates, freeways, principal and minor arterials, and urban, major and minor collector roads*. These latter roads place a greater emphasis on the collection of traffic and the movement of traffic across longer distances. The nearest roads that fall under any of these higher classifications are I-94 (interstate), U.S.-12 (minor arterial), and Wilson Road (major collector). Federal aid for road projects is limited to roads classified as major collectors or higher. Roads classified as minor collectors have only limited eligibility. Roads classified as local streets are not eligible for federal funding.

All public roads in the Village are under the jurisdiction of the Village. This is in contrast to nearby townships in Michigan where all public roads are under the jurisdiction of the Berrien County Road Commission (excluding state and federal highways). Also of significance is the classification of roads by the Berrien County Road Commission in adjacent New Buffalo Township. Pursuant to Michigan Act 51 of 1951, the Road Commission classifies all roads under its jurisdiction as either “*primary*” or “*local*” roads. Primary roads are considered the most critical in providing regional circulation throughout the county. Nearby roads in New Buffalo Township classified as “primary” are limited to Wilson Road, approximately two miles northeast off of U.S. 12.

## **Land Use & Development**

Nearly the entire Village is devoted to residences and their respective yard and open space areas. The principal exceptions are the Village Hall and adjacent park facility, and numerous Village-owned parcels along the Lake Michigan shoreline. All residences are part of five platted subdivisions that occupy the entire Village, including the Michigan Shores Subdivision and Michiana Shores Subdivisions 1, 3, 5, and 7. These subdivisions were created in the early 1900s and only a few vacant lots exist today. The original plats provided for lots typically ranging from 40' – 50' feet in width and 5,000 – 10,000 square feet in area. However, many home sites occupy two or more abutting lots.

A unique feature of residential development in the Village, and present in some nearby communities, is the abundance of log cabin homes constructed by German-Swiss builder/architect Bill Jash in the 1930s and 1940s. Also, all subdivisions are characterized by abundant and mature woodland stands and narrow tree-lined roads. The roads are particularly curvilinear through the central portions of the Village. The wooded character is a result of the interests of the Long Beach Company, the initial developer of this Lake Michigan shoreline area, whose slogan read: “*Your cabin in the woods*”.

The 2000 Census recorded 354 dwelling units in the Village. The Census revealed that all but two of the dwellings were single family detached homes and none of the homes were mobile homes. However, of the 354 dwellings recorded in 2000, only 108 were occupied, resulting in a vacancy rate of 70.0% – a rate more than five times that of the county and state as a whole. Of the 252 vacant housing units, 89.2% were classified as for seasonal, recreational, or occasional use. These figures illustrate the strong seasonal character of the community. During the colder months, as few as one-third of the homes in the Village may be occupied and, with a 2000 population of 200 persons (just over half that of the number of dwellings), the majority of the Village's homes are owned by persons whose legal residence is elsewhere. Of the 108 occupied dwellings in 2000, 97.2% were owner-occupied versus occupied by renters.

The 2000 Census reported that 24.9% of the dwelling units in the Village were constructed before 1940, and 50.6% were constructed between 1940 and 1979 (see Table 2-1). The 24.6% of the dwellings constructed since 1980 reflects a somewhat more active housing market than the county as a whole (19.1%) and is comparable to that of the state (25.2%). The median construction year for all Village residences in 2000 was 1965, again reflecting a somewhat younger housing stock than the county as a whole (1960) and comparable to that of the state (1964). The 2000 median value of the owner-occupied housing stock in the Village was \$231,900, a value approximately twice that of the county and state.

**TABLE 2-1**  
**Selected Housing Characteristics, 2000**

DWELLINGS	VILLAGE of MICHIANA	BERRIEN COUNTY	STATE of MICHIGAN
Year Built (%)			
Since 1980	24.6%	19.1%	25.2%
1940 to 1979	50.6%	59.4%	57.8%
Before 1940	24.9%	21.4%	16.9%
Median Year	1965	1960	1964
Median Value	\$231,900	\$94,700	\$115,600
Median Rent	\$725	\$476	\$546
% Owner Occupied	97.2%	72.3%	73.8%
% Vacancy Rate	70.0%	13.4%	10.6%

Source: 2000 U.S. Census

### Community Facilities and Services

All residences in the Village receive public water service from Michigan City in Indiana, through an agreement between the two municipalities. There is no public sewer service in the Village and all homes rely on on-site sewage disposal facilities (septic fields). The Village provides its own police protection through the Village of Michiana Police Department, stationed at the Village Hall complex. Fire protection is provided by the New Buffalo Fire Department, with the nearest fire station located approximately one mile northeast near Grand Beach. The Village also has a mutual aid agreement in times of need with the Michiana Shores Volunteer Fire Department, located approximately one-quarter mile south of the Village on El Portal Drive in Indiana.

The Village owns and maintains several park and open space areas. The Village's single park facility is located on the same parcel and directly north of the Village Hall on Cherokee Drive. Recreation facilities include basketball courts; tennis courts; childrens' playground including climbing and play equipment; a pavilion; and a small irregularly shaped field, with a backstop, that can be used for various childrens' team sports, frisbee throwing, and similar open field activities. The park covers approximately two acres. In addition to this park, the Village owns approximately 6.7 acres of Lake Michigan beach area including 1,800' of shoreline. This frontage is divided among nine beach areas ranging in size from approximately 1/3 acre to 2.8 acres. All of the public beach areas extend from Lake Shore Drive and the largest of the public beaches (2.8 acres) is located directly west of the Lake Shore Drive/East Court intersection.

The Village is served by New Buffalo Area Schools. There are no public or private school facilities in the Village itself.

### Neighboring Conditions

Just as cultural features in Michiana have bearing upon the Village's efforts to identify appropriate planning policies, so does the land use pattern along the Village's borders in neighboring communities. Existing land use patterns are important considerations, as are the planning policies and zoning that affects these abutting areas. Communities abutting the Village include New Buffalo Township to the east and the Village of Michiana Shores to the south in Indiana. Current land use conditions, policies, and zoning of these communities in the area of Michiana are summarized below.

New Buffalo Township: New Buffalo Township abuts the entire eastern border of Michiana. The Township's existing land use pattern along this border is comprised of residential subdivision development with home sites of comparable size to those of Michiana. The Township's 1998 Master Plan recommends this area continue to function as a "low density residential" area, with maximum development densities of three dwellings per acre. Township zoning places all of the land abutting the Village in an R-1 District, which is intended primarily for single-family residential development on minimum 15,000 square foot lots (approximately 1/3 acre).

Michiana Shores: Michiana Shores in Indiana abuts the west portion of the south boundary of the Village of Michiana, as defined by Michiana Drive. The town's existing land use pattern along this border is comprised of residential subdivision development of similar character to that of Michiana, including exclusive residential use (except for several vacant wooded lots). The town's 2003 Comprehensive Plan does not specially present future land use policies. The town's zoning regulations place the Michiana Drive corridor in the Residential District, which is intended exclusively for single-family residential development on minimum 10,000 square foot lots (approximately 1/4 acre).

Springfield Township: Springfield Township in Indiana abuts the eastern portion of the south boundary of the Village of Michiana, as defined by Michiana Drive. The township is largely agricultural/rural in character although that portion abutting Michiana is of similar character as the Village itself. Current zoning for the area provides for residential use with minimum lot sizes of 10,000 square feet (approximately 1/4 acre).

## Natural Features

### Geology, Topography, and Drainage

During the Paleozoic era of geological history, Berrien County and the state as a whole was inundated by successive warm, shallow seas during which large amounts of sediment were deposited. These deposits subsequently lithified to form bedrock. The Village of Michiana sits upon Ellsworth Shale bedrock. The Ice Age brought four successive continental glaciers across the Great Lakes area. As these ice sheets moved southward from Canada, they scoured and abraded the surface of the land leaving behind deeper valleys and more rounded hilltops. The advancing glaciers carried large quantities of rock materials scraped and gouged from the land's surface. These materials were then deposited during the melting of the ice to form drift materials covering the bedrock below. While the depth to the bedrock exceeds 800 feet in some parts of Michigan, the depth of the drift layer in Michiana is about 200 feet.

The Village's topography can be generally described as somewhat level to rolling and hilly. The southeast third of the Village is nearly level, with grades generally not exceeding 5% except along the White Creek corridor. The balance of the Village exhibits grades in excess of 5% and the majority exhibits grades of 6% – 18%. Some areas exhibit grades of approximately 30%. Most of the steepest areas of the Village are

located along the ridge that passes across the Village to the west of Cherokee Drive and East Court. This ridge also includes the Village's highest elevations which range between 650 – 680 feet above sea level. The Village's lowest elevations range between 585 – 600 feet above sea level and are evident along the Lake Michigan shoreline and White Creek corridor.

Drainage is primarily accommodated by the fact that the beaches and sandy soils readily absorb the majority of rainfall, and the abundant woodlands assist in delaying rainfall reaching the ground. In fact, there are numerous topographic depressions in which residences are located but are generally free of flood problems due to the sandy content of the soils. Also facilitating drainage is the presence of White Creek in the Village's southeast corner, between Cherokee and Creek Drives. White Creek flows in a northeast direction and drains into Lake Michigan approximately one-tenth of a mile north of the Village.

In 1978, the U.S. Department of Housing and Urban Development issued a Flood Insurance Rate Map for the Village, prepared by the Federal Emergency Management Administration. The map identifies 100-year flood boundaries along White Creek and Lake Michigan. The 100-year boundary represents the area necessary to accommodate the peak flood flow of a "regulatory flood." A regulatory flood has a one percent probability of being equaled or exceeded in any given year. The 100-year floodway for White Creek typically extends 10' – 40' from the creek's centerline except within 500' of the Village's east border, where the floodway widens to 50' – 100'. The 100-year floodway along Lake Michigan is generally defined by the 584<sup>th</sup> contour interval, which typically falls within 50' – 100' landward of the shoreline.

Improperly managed land development practices can impact local flood conditions both in the Village and in locations downstream.

### Vegetation

Vegetative cover in Michiana is comprised largely of woodlands and residential lawn areas. Perhaps one of the most unique aspects of Michiana, as a somewhat high-density single-family residential community, is the abundance of mature trees and wooded areas extending from one home site to another. The predominant tree type is oak, but other species present include maple, hickory, beech, and ash. The presence of mature trees and wooded areas is so dominant that aerial views of the Village during summer months suggest abundant vacant lots and far less dwellings than what actually exists.

Wetlands include areas characterized by the presence of water that either saturates the soil or covers the land surface for all or portions of the year, and where such environments foster the growth of specific plant species. According to the U.S. Fish and Wildlife Service, the Village is characterized by a single linear wetland that follows the shoreline dunes. These wetlands are described as lake-oriented wetlands that form between the high and low water levels and which flood intermittently. These wetlands exist as a narrow band along the Village's dunal formations and extend miles both north and south.

The woodlands and wetlands are important because of the vital role these resources play in flood control, runoff purification, groundwater recharge, wildlife habitats, and supporting the desired character of the Village. Wetlands are environmentally sensitive resources and can experience degradation and destruction due to changes in water levels, erosion and sedimentation, filling, dredging, and draining. The degradation or pollution of a wetland area can have a destructive impact upon wetlands and related woodland resources distances away due to the frequent physical linkages between these resources. In addition to the environmental constraints wetlands pose for development, wetlands present severe physical constraints on land development due to flooding and instability of soils.

Due to the important environmental role of wetlands, they are protected by the Michigan Environmental and Natural Resources Protection Act, Part 303. Wetlands are regulated by the state if they meet any of the established criteria including, but not limited to, wetlands connected to one of the Great Lakes or located within 1,000 feet of one of the Great Lakes, and wetlands located within 500 feet of an inland lake, pond, river or stream. The law requires a permit be obtained from the state for depositing fill in a wetland, dredging or removing soil from a wetland, constructing or operating a use in a wetland, or draining surface water from a wetland. The Michigan Department of Environmental Quality will not issue a permit unless it finds, in part, that there would be no unacceptable disruption to aquatic resources, and that the proposed activity is wetland dependent or no feasible and prudent alternatives exists.

## **Soils**

The character of soils can have a profound impact upon the suitability of future land uses with regard to groundwater contamination, buckling and shifting of foundations and roads, erosion, and on-site sewage disposal. The U.S. Department of Agriculture, Natural Resources Conservation Service, has prepared a soil survey for Berrien County. The Soil Survey identifies specific individual soil units throughout the County based upon the characteristics of the upper soil layers (approximately five feet in depth).

The survey reveals that the Village of Michiana is characterized nearly entirely by "Oakville fine sand" soils except its shoreline areas. The Oakville fine sand soils present only slight limitations to home construction where grades are 6% or less, though such grades characterize very little of the Village. The majority of the Village is characterized by grades of 18% or greater and, in those cases, the soil presents severe limitations due to slope conditions including increased erosion potential. The Oakville fine sand soils also present severe limitations to septic systems due to their high sand content and resulting poor ability to absorb and break down the leachate from the septic drain fields before it reaches the groundwater below. The excessive grades of many of the areas characterized by these soils also present severe limitation to septic systems. Soil imitations to home construction and septic systems can often be overcome with increased lot sizes, specially engineered foundations and septic systems at additional costs, and/or special erosion control measures.

The immediate shoreline areas of the Village are characterized primarily by three soil types. The majority of the shoreline is characterized by Udorthents/Udipsamments, a combination of clay and sand soils that present severe limitations to construction due to slope conditions, and are particularly vulnerable to erosion. "Beach" soils, consisting of sand, are present in front (lake side) of these Udorthent/Udipsamment soils along the Village's southern shoreline and cover approximately six acres. The third shoreline soil type, classified as "dune land", is situated at the Village's far southwest corner. It covers an approximately five-acre area and is generally triangular in shape. The Village's shoreline and dunal formations are discussed further under "Lake Michigan Shoreline."

The Berrien County Health Department is responsible for issuing permits for on-site sewage disposal. A permit will not be issued unless all county requirements have been met.

It should be noted that while a site may be classified by the Natural Resources Conservation Service as presenting a limitation to septic systems and building construction, on-site investigation may show the classification to be less than fully accurate and/or show that the deeper soils (more than five feet deep) present different characteristics than the upper layer soils and thus, varying limitations. On-site investigations by those contemplating construction should be carried out before specific land development projects are initiated.

### **Lake Michigan Shoreline**

Certainly one of the most exciting natural features of the Village is Lake Michigan and its shoreline resources. Over thousands of years, prevailing west and northwesterly winds have created water currents that carry finer rock materials and soils to the southeast shores of Lake Michigan. This process, and the ongoing action of the waves on the larger stones and rocks, has and continues to generate sandy beaches. The beaches of the Village today are approximately 200' in width.

The same winds that help to create sandy beaches along the east side of Lake Michigan are also responsible for transporting sand particles further inland. Because the wind velocities over Lake Michigan decrease sharply inland, the air-borne sand particles are typically deposited within a mile of the lake. The depositing of these sand particles has resulted in the formation of sand dunes along much of Lake Michigan's eastern shoreline and along portions of Michiana's shoreline as well. The beaches and sand dunes of the Village, and the state as a whole, are a unique natural resource. The sand dunes are the world's largest assemblage of fresh water dunes and provide habitat for federally listed threatened and endangered species.

The state's concern over the protection of its sand dunes led to the passage of the Sand Dune Protection and Management Act of 1976 (administered by the Michigan Department of Environmental Quality). The scope of the Act was expanded in 1989. The provisions of the Act are now embodied in Part 353 of the Michigan Natural Resources and Environmental Protection Act (PA 451 of 199, as amended). "Critical Dune" areas are considered to represent the highest and most impressive of the state's dunes. The entire area of Michiana, west of White Creek, is classified as a Critical Dune area. Development on these dunes is subject to the provisions of Part 353 and its Rules. The rules address such matters as application and procedural requirements for development permits; standards to protect the integrity of the dune including minimizing soil and dune erosion and the unnecessary

alteration of grades, managing storm waters, prohibition of development on certain slopes, and minimum building setbacks; and related protection provisions including rules addressing variances and existing nonconforming structures and buildings.

Portions of the state's shoreline areas are particularly vulnerable to erosion due to water levels, storms, winds, runoff, and frost. To minimize destruction to structures and minimize financial loss, the state has identified "high risk erosion areas" (HREA). A HREA is a Great Lakes shoreline where the recession of the erosion zone has been occurring at a long term average rate of one foot or more per year. The entire Michiana shoreline is classified as a HREA. Development in HREAs is subject to the provisions of Part 353 of the Michigan Natural Resources and Environmental Protection Act, and its Rules (administered by the Michigan Department of Environmental Quality). The rules primarily address application and procedural requirements for development permits; minimum setbacks from erosion areas for moveable and permanent structures; regulations for proposed shoreline protection improvements; and special exception provisions.

### **Climate**

The climate of Michiana and the surrounding area can be classified as generally mild. Based upon data collected by the Department of Agriculture between 1957 – 1981 in Benton Harbor, the average daily maximum temperature is 58.5° F, and the average daily minimum temperature is 40.1° F. The average total annual rainfall is 36.5", with June being the wettest month (3.45"). Snowfall averages 70.3" per year, with January having the greatest accumulations (22.7"). July is typically the warmest month with average maximum temperatures of 81.9° F, and an average low of 61.6° F. January is typically the coldest month with average maximum temperatures of 31.5° F, and an average low of 17.9° F.

Because the day-to-day weather is controlled by the movement of pressure systems across the nation, the Michiana area seldom experiences prolonged periods of hot, humid weather in the summer or extreme cold during the winter. The impact of Lake Michigan on local weather conditions is significant. The prevailing westerly winds over the lake increases cloudiness throughout most of the year. The lake effect also results in increased snowfall during the colder months and more moderate temperatures throughout the year.

## Demographic Features

### Population Growth Trends

The 2000 Census reported a permanent Village population of 200 persons. This is an increase of 36 persons over the Village's 1990 population of 164. The Village's growth during the 1990s is certainly not reflective of a pattern of growth during the past 30 years. The inconsistent growth and decline of the Village's permanent population since 1970, as illustrated in Table 2-3, may initially suggest errors in the 2000 Census.

**Table 2-2**  
**1970 – 2000 Michiana Population**

YEAR	POPULATION
2000	200
1990	164
1980	333
1970	233

Accurately tracking a seasonal community's population can be a challenging endeavor. However, a close review of Village conditions may well support the findings of the Census. The significant drop in population during the 1980s occurred during the same time that many of the residents who came to the Village around or prior to 1940 relocated elsewhere as senior citizens or passed away. The 1990s experienced increased new home construction that fueled considerable growth. In fact, approximately 40% of the Village's residents in 2000 lived elsewhere in 1995. A community as small as Michiana is particularly subject to considerable population changes in comparatively short periods of time. For example, the arrival of a single family of five persons can increase the Village's population by 2%.

### Social and Economic Characteristics

The following provides a demographic overview of the Village of Michiana, including comparisons to county and state conditions. More detailed data is presented in the Tables that proceed this discussion.

The 2000 Census shows Michiana with a more homogeneous racial population than the county and state as a whole. 95.5% of the Village population was white, compared to 79.7% and 80.2% for the county and state respectively. The Village's 2000 median age of 55.0 years reflects a population that is far more mature than the county (37.4) and state (35.5) as a whole. Similarly, the 8.5% of the Village's population that was 24 years of age or less was far below the approximately 35% of the population for the county and state. These conditions are a reflection of the

unusually high proportion of retirees and senior citizens that comprise the Village's year-round population.

The 2000 Census recorded 108 households and 60 families in the Village. The average household size was 1.9 persons and the average family size was 2.3 persons. Of all the Village's households, 43.5% included a married-couple as compared to approximately 51% for the county and state. The proportion of non-family households in the Village was nearly identical to married-couple households (44.4%). Approximately one of every 11 households included a person under 18 years of age, and approximately one in two included a person 65 years of age or older. Again, this data further illustrates the comparatively older population of the Village and the life cycle stage of many of its residents. Compared to the county and state, comparatively few households include a married couple or children.

Of the 163 residents in the Village in 2000 who were 16 years of age or older, 100 (61.3%) were employed. The three principal employment industries for Village workers were (1) professional and other services; (2) education, health, and social services; and (3) manufacturing. These industries alone accounted for 64% of residents' employment. The largest single industry, professional and other services, accounted for 36.0% of local residents' employment. 14.4% of the Village's workers worked in their home, compared to approximately 3% for the county and state. The average commute time for Village workers was 35.7 minutes, compared to 20.0 and 24.1 minutes for the county and state respectively.

The 2000 Census revealed that the Village is a community of considerable prosperity. The Village's median household income of \$75,984 was twice that of the county and nearly 75% greater than the state. The Village's median family income of \$110,991 and per capita income of \$63,558 were two to three times greater than that of the county and state. The rate of families and persons below poverty level, 0.0% and 1.1% respectively, was one-tenth or less than the county and state.

The 2000 Census also revealed that the Village is a community of considerable formal education. The 98.1% of persons 25 years of age or older who had attained a high school education or higher was more than 15% greater than the county and state. The 64.5% who had received a bachelor's or higher degree was approximately three times the proportion for the county and state.

**TABLE 2-3**  
**Race, 2000**  
 (by percent)

<b>RACE</b>	<b>VILLAGE of MICHIANA</b>	<b>BERRIEN COUNTY</b>	<b>STATE of MICHIGAN</b>
White Alone	95.5	79.7	80.2
Black/African American Alone	4.0	15.9	14.2
American Indian, Alaska Native Alone	0.0	0.4	0.6
Asian Alone	0.0	1.1	1.8
Native Hawaiian/Other Pacific Islander Alone	0.0	0.0	0.0
Some Other Race Alone	0.0	1.1	1.3
Two or More Races	0.0	1.6	1.9

Source: 2000 U.S. Census

**TABLE 2-4**  
**Age, 2000**  
 (By Percent, except where otherwise noted)

<b>AGE</b>	<b>VILLAGE of MICHIANA</b>	<b>BERRIEN COUNTY</b>	<b>STATE of MICHIGAN</b>
Under 5 yrs.	3.0	6.5	6.8
5 - 14 yrs.	2.5	15.0	15.0
15 - 24 yrs.	3.0	12.8	13.7
25 - 44 yrs.	18.5	27.5	29.8
45 - 64 yrs.	40.5	23.7	22.5
65 - 84 yrs.	29.0	12.7	10.9
85 yrs. or more	2.5	1.8	1.4
Median Age	55.0 yrs.	37.4 yrs.	35.5 yrs.

Source: 2000 U.S. Census

**TABLE 2-5**  
**Household Type, 2000**  
 (by percent)

<b>HOUSEHOLD TYPE</b>	<b>VILLAGE of MICHIANA</b>	<b>BERRIEN COUNTY</b>	<b>STATE OF MICHIGAN</b>
Married-couple family	43.5	51.2	51.4
Other family	12.1	17.0	16.6
Non-family	44.4	31.8	31.9
Households with persons under 18 years	9.3	34.5	14.9
Households with persons 65 years and over	41.7	25.9	22.9

Source: 2000 U.S. Census



**TABLE 2-6**  
**Employment by Industry, 2000**  
 (employed persons 16 years and older, by percent)

OCCUPATION	VILLAGE of MICHIANA	BERRIEN COUNTY	STATE of MICHIGAN
Manufacturing	12.0	24.6	22.5
Professional, scientific, management, administrative, waste management, and other services	36.0	11.3	12.6
Construction	4.0	6.0	6.0
Education, health, and social services	16.0	20.3	19.9
Art, entertainment, recreation, accommodations, and food services	4.0	7.4	7.6
Retail trade	11.0	10.8	11.9
Public administration	3.0	2.7	3.6
Finance, insurance, and real estate	5.0	3.8	5.3
Agriculture, forestry, fishing, hunting, and mining	0.0	1.9	1.1
Wholesale trade	4.0	2.9	3.3
Information	2.0	1.7	2.1
Transportation, warehousing, and utilities	3.0	6.5	4.1

Source: 2000 U.S. Census

**TABLE 2-7**  
**Income, 1999**

INCOME CHARACTERISTIC	VILLAGE of MICHIANA	BERRIEN COUNTY	STATE OF MICHIGAN
Median household income	\$75,984	\$38,567	\$44,667
Median family income	\$110,991	\$46,548	\$53,457
Per capita income	\$63,558	\$19,952	\$22,168
Families below poverty level (percent of all families)	0.0%	9.3%	7.4%
Persons below poverty level (percent of all persons)	1.1%	12.7%	10.5%

Source: 2000 U.S. Census

**TABLE 2-8**  
**Highest Level of Education Attainment, 2000**  
 (for persons 25 years of age, by percent)

HIGHEST EDUCATION ATTAINMENT	VILLAGE of MICHIANA	BERRIEN COUNTY	STATE of MICHIGAN
Less Than 9th Grade	0.0	5.7	4.7
9th to 12th, no diploma	1.9	12.4	11.9
High School Diploma	12.9	31.9	31.3
Some college, no degree	20.6	22.7	23.3
Associates Degree	0.0	7.7	7.0
Bachelor's Degree	36.1	12.2	13.7
Graduate/Professional Degree	28.4	7.4	8.1
High school graduate or higher	98.1	81.9	83.4
Bachelor's degree or higher	64.5	19.6	21.8

Source: 2000 U.S. Census

# Chapter Three

# PLANNING ISSUES, GOALS & OBJECTIVES

## Introduction

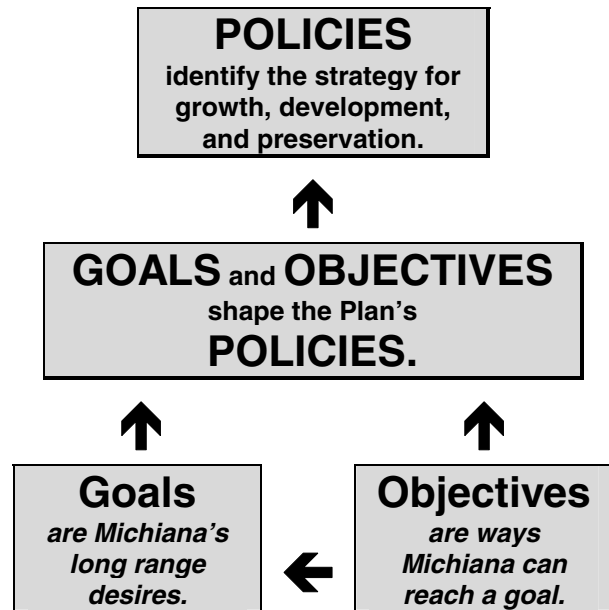
The purpose of this Plan is to establish a basis for future land use and public services in the Village of Michiana. The Village wants to guide and shape the future of the community and not allow it to evolve merely by chance. To effectively plan for the Village's well being with regard to future land use and public services, it is necessary to identify key goals and objectives in response to important planning issues facing the Village. Following is a summary of these planning issues and related goals and objectives.

The goals and objectives are important for several reasons:

- The goals and objectives provide current and future residents of Michiana with an overview of the intended character of the Village.
- The goals and objectives identify and outline the basic parameters which should be used in guiding land use and public services policies.
- The goals and objectives serve as references upon which future land development, rezoning and public services decisions can be evaluated.

## Planning Issues, Goals & Objectives

Each issue presented in this Chapter is followed by a set of goal and objective statements. Within the context of this Plan, goals are statements that express the Village's long range desires and objectives are general strategies that the Village can pursue to attain the specified goal. For example, a goal of Mr. Smith may be to purchase property in Michiana, while two of his objectives may be to seek a bank loan and meet with a real estate agent.



Goals, Objectives, and Policies of the Plan

The planning issues, goals and objectives, are divided into the following major categories:

- Growth Management, Public Services, and Quality of Life
- Community Character and the Environment
- Residential Development
- Commercial and Industrial Development
- Streets and Circulation
- Regional Coordination

The planning issues presented in the following pages are not intended to be all inclusive. Rather, they are presented as the primary issues that Michiana should address as it establishes a future for itself at this time. These issues will evolve over time and should be reexamined periodically and the appropriate modifications made.

### **Growth Management, Public Services, and Quality of Life**

Michiana is a very desirable place to live for those seeking the comfort of a small and quiet resource-rich residential community with ease of access to regional employment and retail centers. While it is reasonable to anticipate that the number of dwellings in Michiana will not increase substantially, it is certainly reasonable to anticipate increased pressure for the further splitting of the larger properties in the Village for additional home sites, and an increased proportion of year-round residents.

This Plan must provide a strategy for managing growth and development in a feasible manner, consistent with the aspirations of the citizenry of the Village and the opportunities and constraints presented by its natural and cultural characteristics. Managed growth and development can preserve the Village's existing small-town neighborhood character; retain its historic charm and natural resources; encourage appropriate construction practices including new dwellings and improvements to existing dwellings; and assure adequate public services and the wise expenditures of public funds. Appropriately managing growth and development will directly affect the quality of life of Village residents.

Quality of life is dependent upon a coordinated public services program. Municipalities offer varying levels of public services. In Michiana, public services include public water, street maintenance and improvements, parks and open spaces, and police and fire protection. The extent of public services has two primary impacts. First, public services impact land use choices. For example, opportunities for high-intensity land uses are significantly lessened in the absence of public sewer

and adequate road infrastructure. Second, the extent of public services impacts the perceived quality of life within a community. For example, response times by a local fire department and the availability of recreation opportunities affects the quality of life perceived by local residents. It must be recognized that public service improvements may encourage additional growth and development.

Tax revenues dictate, in part, the extent and quality of public services. Increases in taxes are rarely supported and the wise expenditure of public funds is important. Carefully assessing the need for and manner of undertaking public services improvements is a fundamental part of the growth management puzzle.

**Growth Management, Public Services, and Quality Of Life Goal:** *Manage growth and development to encourage the preservation of Michiana's resource-rich and quiet residential character, compatibility among land uses and coordination between land use and public services programs, enhancement of community quality of life, and the cost-effective use of tax dollars.*

### **Objectives**

- 1) Discourage the introduction of land uses that would likely undermine the residential character of the Village and the public health, safety and welfare of its residents.
- 2) Preserve the Village's natural resources through a coordinated future land use strategy and related implementation tools that permit reasonable use of land while discouraging unnecessary destruction or loss of natural resources, including trees, woodlands, wetlands and Lake Michigan shoreline and dune formations.
- 3) Establish effective land use and development review regulations to ensure development is compatible with the policies, goals and objectives of this Plan.
- 4) Explore alternative programs for the review of new construction projects and their compliance with established standards, and implement a program that ensures compliance with such standards and consistency in decision making.
- 5) Continually monitor local attitudes with regard to public services and facilities and take appropriate planning and capital improvement actions to address identified and projected needs.

- 6) Ensure new development is in proper scale and character with the dominant character of the adjacent properties and the Village as a whole, while also affording the land owner with reasonable flexibility.
- 7) Ensure the costs for the review and processing of development projects are borne by the project applicants, and the fees for such activities are consistent with actual costs.
- 8) Maintain a regular meaningful communications program with adjoining municipalities and regional agencies to discuss and investigate public facilities and services needs, opportunities for new or additional shared facilities and services, and alternative strategies for improving local public services, including contracted services, shared services, and Village-operated services.

### **Community Character and Environment**

The Village of Michiana is a unique community with a rich character formed by important natural and cultural features. Defining cultural features include its comparatively small size and quiet residential character, narrow tree-lined streets, homes generally nestled within abundant trees and woodlands, and an activity node defined by the Village Hall and adjacent park facilities. Many of the homes built more than 60 years ago are the original log cabin dwellings constructed by the locally famous builder/architect John Nash. Defining natural features include abundant trees and woodlands, rolling topography, White Creek, and the Lake Michigan shoreline and dunes. The protection of Michiana's character is of great importance to local residents.

Not only are the Village's natural environmental features important in defining the Village's character, but they also provide vital environmental roles including wildlife habitats, flood control, water purification, groundwater recharge, and improved air quality. Preservation of these resources can be very difficult because the process of encroachment can occur slowly. Substantial damage to an entire region and/or ecosystem frequently occurs over an extended period.

Residents strongly support the dominant character of the community, including its environmental integrity and historical dwellings, and want these features to be important parts of the Village's future. Effective protection of these features does not require the prohibition of growth and development. Managed growth and development, including effective site development practices, encourages the continuation of the Village's desirable features.

**Community Character and Environment Goal:**  
*Preserve Michiana's historic, environmentally-rich and quiet residential character.*

### **Objectives**

- 1) Ensure new development and redevelopment is designed in scale with adjacent properties and the Village as a whole, through reasonable standards addressing lot areas, building sizes, heights, setbacks, open spaces, maximum lot coverages, and other development features.
- 2) Encourage the maintenance of the Village's older housing stock as both a link to the Village's past and a stabilizing force into the future.
- 3) Ensure existing and new development protects the environmental resources of the Village including air, land, and water resources, with particular attention to the Lake Michigan shoreline and dunes, the White Creek corridor, and the Village's trees and woodlands.
- 4) Ensure environmental protection measures are in place prior to approved construction projects are actually initiated.
- 5) Prohibit firearm and bow hunting within the Village limits.
- 6) Encourage the provision of utilities in a manner that minimizes disturbances to the Village's character including the installation of underground utilities where practical and feasible.
- 7) Establish a reasonable development application and review process that ensures construction projects conform to environmentally based standards.
- 8) Explore the most appropriate regulatory programs to address environmental preservation interests including local versus state regulatory programs, and the most appropriate local review and enforcement programs where local authority is exercised.
- 9) Ensure Village codes and ordinances do not foster development patterns that unintentionally undermine the Village's environmental integrity.
- 10) Discourage outdoor lighting that generates night-sky pollution and nuisances upon adjacent properties.
- 11) Explore the feasibility and desirability of a Village land preservation fund for the purpose of purchasing sites of significant natural character.
- 12) Encourage a greater sense of community cohesiveness in response to the seasonal character of many of its residents.

- 13) Provide for code development and ordinance enforcement necessary to ensure the general maintenance and appearance of the Village.
- 14) Recognize the vital role the Village Hall, its facilities and adjacent park play as an activity center and fostering a sense of community identify, and preserve the grounds and facilities in a manner that perpetuates these roles.
- 15) Recognize the significance of the Village's publicly owned beaches as important resource and recreation areas, and preserve them in a manner that perpetuates these roles.
- 16) Explore financial alternatives and feasibility, and degree of local support, for the purchase or other acquisition of property from willing landowners for the purpose of dedicating such land for conservation purposes.

### **Residential Development**

Michiana is a very attractive place to live for those seeking a small quiet residential community, rich in natural resources and with excellent regional access to near and distant employment, retail, and cultural centers. Except for the Village Hall and public park and other public open spaces, land in the Village is dedicated entirely to single family residential use. Aside from a number of vacant lots and the splitting of larger home sites into multiple smaller lots, opportunities for new home sites are limited.

The fact that there are comparatively few opportunities for new home sites does not make "residential development" a mute issue in Michiana. Rather, it merely focuses matters of importance elsewhere. Redevelopment of existing home sites, including renovations, additions, and tear-downs (razing the existing dwelling and erecting a new one) is a trend evident in Michiana as well as in surrounding communities. This trend can lead to conflicts, particularly in a community such as Michiana where the home sites are comparatively small and in close proximity to one another. Redevelopment projects can impact local natural features to a far greater extent than past development practices including increased clearing of trees and other vegetation, and disturbances to shoreline resources. Redevelopment projects can impact adjacent properties as well due to the visual appearance of what may be more massive dwellings and a corresponding reduction in the open spaces that are so prevalent today. These more massive dwellings may also encroach far closer to adjacent dwellings and alter an adjacent property's shadow patterns, access to natural lighting, and views. Redevelopment can also result in dwellings that are out-of-scale with existing nearby dwellings.

The character of redevelopment can also undermine the historical and overall character of the Village. Many of the older homes that help to define the Village's character, such as its log cabins, are vulnerable to replacement by homes of a very different character including architecture, materials, and scale. In addition, the incremental conversion of forested yard areas to dwellings and manicured lawns can result in a substantial change to the Village's character.

Irrespective of whether new residential development occurs on vacant lots or in association with the redevelopment of existing home sites, all residential development in the Village should respond to several key conditions in the Village. Existing residential development is comprised of single-family dwellings. In the interest of protecting the stability of the Village's existing neighborhoods and encouraging compatibility between adjacent lots, future development should be of similar character. In addition, future residential development densities must recognize the limited capacity of the Village's road network including the comparatively narrow width of the road surfaces and lack of designated pedestrian travel ways. Finally, as discussed above, new residential development should be compatible with the overall character of the Village and minimize disturbances to and the enjoyment of neighboring properties.

***Residential Development Goal:*** *Protect the character and stability of the Village's residential areas, and the use and enjoyment of individual home sites.*

### **Objectives**

- 1) Discourage the encroachment of commercial and industrial uses into residential areas.
- 2) Encourage the continuation of the existing dominant character of residential areas through reasonable standards that address lot sizes, building heights, building setbacks, sun and shade patterns, and similar development features.
- 3) Encourage housing densities that are compatible with existing development and the natural carrying capacity of the land for on-site sewage disposal.
- 4) Manage new housing development to assure an appropriate balance between building size and the development site, in keeping with the dominant character of the Village today.
- 5) Encourage the upkeep of residential structures and yards, and the rehabilitation of blighted areas.
- 6) Promote the maintenance of a peaceful residential setting through reasonable limitations on unnecessary and excessive noise

- 7) Encourage the preservation of historically significant dwellings, including the exploration of alternative preservation programs and incentives.
- 8) Ensure that rental properties are managed so as to minimize nuisances upon other properties including the parking of vehicles, the proper containment and storage of trash, and the upkeep of the premises.

## **Commercial / Industrial Development**

There is no industrial activity in Michiana, and there is no traditionally recognized commercial development such as retail sales, consumer services, or offices. Any commercial activity is generally restricted to those carried out as home occupations and are generally inconspicuous to the general public.

There are many conditions that discourage the introduction of commercial and industrial development in Michiana. The Village is nearly entirely developed as a residential community. According to the 1985 Shopping Center Development Handbook, published by the Urban Land Institute, the Village's permanent population of approximately 200 is not considered adequate to support the smallest of the classifications of commercial centers – the *neighborhood* center. The neighborhood center is considered to require a base population of 3,000 – 4,000 persons. The Village's population base is not sufficient to provide a conveniently located labor force. The Village of Michiana does not have the adequate public infrastructure to support commercial and industrial uses including narrow road surfaces and the lack of public sewer. The Village also lacks a primary thoroughfare to provide such uses with the access and visibility they typically require for long-term viability.

In addition, nearby communities such as Grand Beach, New Buffalo, and Michigan City offer local residents a full compliment of conveniently located consumer services and have the necessary infrastructure and services to support commercial and industrial development. Finally, Village residents have historically voiced strong opposition to the introduction of commercial or industrial uses in the Village.

**Commercial/Industrial Development Goal:**  
*Discourage the introduction of commercial and industrial development in the Village until such time that there is a demonstrated need and appropriate location for such uses.*

### **Objectives**

- 1) Discourage the authorization of commercial and industrial uses by local zoning regulations.

- 2) Inform persons interested in establishing local commercial or industrial uses of the improved opportunities in other local communities.
- 3) Provide limited opportunities for home-based occupations, according to appropriate zoning standards, that will maintain the residential character, appearance, and quality of life experienced by surrounding residential properties and neighborhoods.
- 4) Periodically monitor local conditions impacting the appropriateness of commercial and industrial development in the Village and, if appropriate, amend the goals, objectives and/or policies of this Plan.

## **Streets and Circulation**

The Village is characterized by tree-lined narrow streets, some of which are quite hilly and curvilinear while others are very grid-like. The present road system facilitates vehicular movement quite well. This is due in part to the residential character of the community and the general lack of through traffic. The adequacy of the street system is heightened by the high vacancy rate of the community's dwellings through much of the year. The visual character of the street system captures the essence of the Village's character including its abundant woodlands, topographic relief, and a sense of peace.

While the street network facilitates reasonable vehicular circulation, pedestrian circulation is less than ideal. The streets' narrow widths, and the lack of sidewalks and streetlights, increases the risk of pedestrian and bike travel. Hazards are heightened during the warmer months when traffic is at its greatest. Affording bicycle and pedestrian movement throughout a community, and between communities, has long been identified as an important goal in improving quality of life. The past 20 years have witnessed an unprecedented surge in interest in facilitating non-motorized trails and walkable communities. Such efforts can limit the reliance on the automobile, improve the health of local residents, improve the quality of leisure time, and encourage a more vibrant community. It must be recognized, however, that significant obstacles are present in accommodating formal bicycle and/or pedestrian paths in the Village. These include the narrow surface width of the roads, the abundant on-street parking during warmer months, and the abundant and desirable vegetation along the road corridors. There is no documented history of pedestrian/bicycle conflicts with vehicles in the Village.

***Streets and Circulation Goal:*** Preserve the fundamental character of the Village's street system, with incremental enhancements to maintain safe vehicular travel and improved non-motorized travel.

**Objectives**

- 1) Ensure road improvements are undertaken in a manner that minimizes alterations to the fundamental visual character of the road corridors.
- 2) Discourage land uses that generate traffic levels in excess of the reasonable capacity of the streets.
- 3) Discourage road improvements that would likely generate through-traffic in the Village.
- 4) Encourage residents to refrain from parking vehicles on the streets or otherwise reducing the usable road width for vehicular and non-motorized movement.
- 5) Monitor local attitudes about non-motorized travel in the Village and should deficiencies be identified, pursue incremental improvements.

**Regional Coordination**

The Village of Michiana must recognize that it exists within a regional network of communities, none of which are islands unto themselves. Michiana abuts New Buffalo Township and Springfield Township (Ind.), and the Village of Michiana Shores (Ind.). The Village and nearby municipalities can greatly benefit by cooperatively pursuing common goals in the areas of land use and public services. Planned land use and public services should take into consideration conditions in abutting communities such as existing land uses, development densities, available infrastructure and public services, and land use planning policies.

***Regional Coordination Goal:*** *Manage development and public services in a manner that recognizes the position of Michiana within the larger region, and the mutual impacts of Michiana's planning efforts and those of neighboring communities.*

**Objectives**

- 1) Where practical, support land use and development policies that encourage compatibility among land uses along municipal borders.
- 2) Establish a formal and regular communication program with area policy makers to discuss local and area-wide public facilities and services needs, land use conditions and trends, and contemporary planning issues. Identify mutually beneficial strategies to address short and long-term needs and issues.

# Chapter Four

# FUTURE LAND USE STRATEGY

## Introduction

The Village of Michiana's principal planning components are contained in the Master Plan's Future Land Use Strategy. The Future Land Use Strategy identifies the desired pattern of land use and development throughout the Village. Chapter Five presents guidelines regarding future infrastructure and public services improvements. These guidelines are to help ensure that future public services are coordinated with the planned future land use pattern, and the achievement of the Plan's goals and objectives.

The Future Land Use Strategy consists of policies regarding future land use and development in the Village. Implementation of these policies largely rests with the regulatory tools of the Village – most importantly the Village's Zoning Ordinance. The Zoning Ordinance will be the primary implementation tool of this Master Plan, including appropriate changes to the Ordinance that may surface due to the policies of this Plan. The Zoning Ordinance generally regulates the type, location, bulk, and intensity of land development. The Village may also adopt other supporting regulatory tools to further the implementation of the policies of this Plan, as well as pursue specific public services and capital improvements. Chapter Six addresses implementation strategies in greater detail.

The goals and objectives presented in Chapter Three are the foundation on which the Future Land Use Strategy is based. These include, in part, the desire to guide future development in a manner that ensures compatibility between land uses and properties, protects the quiet residential character of the community, and protects the community's natural resources. The Future Land Use Strategy is based upon an analysis of the Village's natural and cultural features such as community attitudes, existing roadway network, and existing development patterns. The opportunities and constraints presented by these

and other characteristics were evaluated in the context of the goals and objectives presented in Chapter Three to arrive at a planned future land use pattern.

In the interest of regional planning and governmental coordination, the abutting conditions in the neighboring communities of New Buffalo and Springfield Townships, and Michiana Shores, were also considered. The recommendations of this chapter generally complement the principal planning policies of these communities.

## Land Use Areas

The Future Land Use Strategy divides the Village into "Areas" and identifies the predominant land use pattern planned for each and associated policies. These land use areas collectively make up the planned future land use pattern for the Village. However, no development should occur unless adequate measures are provided for sewage disposal and potable water. These areas are:

- White Creek Preservation Area
- Shoreline Residential/Preservation Area
- Public Resources Area
- Village Residential Area

It is not the intent of this Plan to identify each specific land use that should be permitted in each of these Areas. This Plan makes broad-based recommendations regarding the dominant land use(s) to be accommodated in each Area. Specific permitted land uses will be determined by zoning provisions, based upon considerations of compatibility. There may be certain existing land uses that do not "fit" with the planned future land use pattern. This should not be necessarily interpreted as a lack of Village support for the continuation of such uses. Zoning regulations should clarify this matter.



The boundaries of these Areas are illustrated on the Future Land Use Map at the end of this chapter. The map depicts the boundaries in more detail than the explanatory text of the chapter. The boundaries are described as approximate since the exact demarcation is best reserved for the Village's zoning regulations and the detailed review and analysis of zoning and development proposals. There is frequently room for discretion at the exact interface between the boundaries of two planning areas and appropriate uses at these points of interface. However, the approximate boundaries as presented in this Plan have been considered carefully. Significant departures are strongly discouraged except for unique circumstances and where the public health, safety and welfare will not be undermined. It is also important to understand that neither the Future Land Use Map nor the explanatory text is intended to stand on its own. The policy discussions and map are inseparable and must be viewed as one.

### **White Creek Preservation Area**

The White Creek Preservation Area includes White Creek and lands within approximately 75 feet of the creek. The White Creek environment is a unique feature of the Village. In addition to accommodating storm water and protecting the public health, safety and welfare, the creek is a combination of water, shrub and woodland environments. No other area in the Village that is of a similar character, and it offers important wildlife elements – water, food, and cover. The role and character of the creek requires a strong conservation theme and it is for these reasons that the Plan establishes the White Creek Preservation Area as a separate planning area in the Village.

Because of the critical role this drainage way plays and its environmental character, the White Creek Preservation Area provides for the protection of the resources contained within by recommending limitations on the introduction and intensity of new land uses. Development in close proximity to the creek will threaten its environmental character and its storm water management role. Removal of vegetation along the creek will increase erosion and sedimentation, and increase other contaminants flowing into the creek. Future use of land within this corridor should be limited to open-space of a natural character including the maintenance of the corridor's trees and woodlands and the encouragement of a natural under story including grasses and shrubs. The erection of buildings and alteration of grades in the Area should be discouraged except where no practical alternative exists for the reasonable use and enjoyment of neighboring residential properties. Any alteration to the creek area, including clearing, grading, and structures, should not receive Village approval until satisfactory

evidence has been submitted verifying the acquisition of all necessary county, state and federal permits.

In addition to the above, key policies of the White Creek Preservation Area are as follows:

- Buildings should be discouraged.
- Uses should be limited to an open space character.
- Vegetation indigenous to the Michiana area should be encouraged.
- Use of fertilizers, pesticides, and herbicides should be discouraged.

### **Shoreline Residential/Preservation Area**

Lake Michigan and its shoreline are both defining features of the Village of Michiana and the state as a whole. It is universally recognized for its beauty, exquisite environmental features, and recreation opportunities. Village residents have long recognized the importance of the lake and its shoreline to the identity of the Village and the community's quality of life. The state has similarly recognized the significance of this natural wonder through the adoption of numerous laws intended to protect the integrity of its character. Only a handful of communities have the high proportion of shoreline to total land area as Michiana. Much of the Michiana shoreline is under public ownership or otherwise part of dedicated beach area in association with the subdivision plats. Just as the shoreline is a special and fragile environmental feature, it is an equally sought after place of residence. Lake frontage is considered by many to be an ideal residential setting in which to live or invest for speculative purposes, and there are vacant frontage lots under private ownership. The Village of Michiana owes its existence to, in part, the desirability of Lake Michigan as a community asset and private lot asset.

The Future Land Use Strategy similarly recognizes the shoreline as both a natural magnet for residential development and a unique and sensitive natural resource, through the establishment of the Shoreline Residential/Preservation Area. The Shoreline Residential/Preservation Area includes all of the Lake Michigan shoreline in the Village between the lake's edge and approximately 200' landward, but not beyond Lakeshore Drive. The Shoreline Residential/Preservation Area includes substantial shoreline residential development along with private and public beach areas.

Because of the high value placed on the environmental integrity of these resources, and their role in defining the natural beauty of the community and the state as a whole, the Shoreline Residential/Preservation Area is identified as a separate planning area. The Shoreline Residential/Preservation Area encourages the

continued preservation of existing shoreline open space areas including public and private beach areas, and discourages new development that is of a greater density than that which presently characterizes this area.

It is not the intent of this Area to unreasonably restrict the residential use of private land where such use can minimize environmental disturbances (in conformance with state environmental and local regulations) and maintain reasonable visibility of the shoreline by the public. Development should occur on lots of adequate width and size to minimize the intensity of development and maximize the preservation of views.

The policies of the Shoreline Residential/Preservation Area should not be interpreted as an effort to deny shoreline landowners the right to the reasonable use of their land. On the other hand, the Shoreline Preservation Area is intended to accommodate new development only to the extent it can be done so in a visually and environmentally sensitive manner.

In addition to the above, key policies of the Shoreline Residential/Preservation Area are as follows:

- Uses should be limited to residences and open space areas of a character typically associated with beach recreation, including beaches.
- Should development of land in this Area be necessary, such development should be limited to single-family dwellings and occur only upon a finding that such construction will not unreasonably undermine the environmental integrity of the shoreline area, it will maintain reasonable views to the shoreline, and it is sensitive to the natural character of the shoreline.
- Residential development should be on lots of such area and width to preserve environmental integrity and shoreline views, and minimize the degree of impervious surfaces.
- Residences should be set back from the lake's edge as far as reasonably possible to protect the character of the shoreline and minimize flood conditions.
- Vegetation indigenous to the Michiana area should be encouraged.
- All activities should be subject to rules and regulations intended to protect dunes and high risk erosion areas.

Portions of the Shoreline Residential/Preservation Area include lands also classified as Public Areas, which is further discussed below.

## **Public Areas**

Public Areas account for approximately nine acres of the Village and currently includes two types of facilities – the Village Hall complex and the Village's many public shoreline areas. The Village Hall complex covers approximately two acres and includes a meeting room, administrative offices, police station and maintenance garage, and an adjoining park. The park has tennis facilities, a pavilion and picnicking opportunities, a childrens playground, and a small sports field. All of the areas identified as "Public" are owned, operated and maintained by the Village.

All of the publicly designated properties provide important community services. The Village Hall complex serves as a unifying element in the community and strengthens its overall identity. The adjoining park provides residents with opportunities for healthy recreation close-to-home and provides opportunities for friends and families to meet and relax in a beautiful setting. The adjoining park also permits visits to the Village's administrative offices to be multi-functional, accommodating both business and recreation interests. The numerous public shoreline areas along Lake Michigan permit a very different but equally special recreational outlet. These shoreline areas provide Village residents and visitors opportunities for swimming, walking, kayaking, sunbathing, and typical beach-time activities. In addition, these shoreline areas support and define the character of the community and can encourage the preservation of the integrity of the shoreline as a natural ecosystem.

The Public Areas classification is established to recognize the presence of these facilities, the critical services they provide to the Village, and the Plan's support for their continued presence in the community.

The Plan recognizes that new public lands and facilities may evolve in the future and become part of the network of facilities that comprise the Public Areas component of the Future Land Use Strategy. The Plan also recognizes that there may surface periodic interest in alterations to one or more of the public sites and/or the conversion of one or more of these facilities to alternative uses. This Plan strongly discourages the alteration of any of the public sites to purposes other than what they currently provide, or in a manner that substantially alters the basic character of the sites. However, this policy is not intended to be interpreted, for example, as discouraging necessary improvements and/or expansion of buildings, or the addition to and/or redesign of the Village Hall park where deemed beneficial. Any alterations to existing and future public sites should be done in a manner that protects the use and enjoyment of nearby properties.

In addition to the above, key policies of the Public Area are as follows:

- Village Hall complex, including the park, should continue to function in the same general manner as they do currently.
- Buildings and structures in public beach areas should be discouraged.
- Existing public sites should be retained under public ownership.
- Existing uses of public sites should not be substituted with alternative uses.
- All improvements to public sites should maintain the existing character and environmental integrity of such sites.
- Vegetation indigenous to the Michiana area should be encouraged.
- All activities should be subject to rules and regulations intended to protect dunes and high risk erosion areas.

### **Village Residential Area**

The balance and vast majority of the Village comprises the Village Residential Area component of the Future Land Use Strategy. Nearly the entire Village is devoted to residences and the Village Residential Area consists of these neighborhoods. The Village Residential Area includes lots on which residences currently exist as well as vacant lots in neighborhoods and on which development of a residential character is considered most appropriate.

The Village's neighborhoods were created in the early 1900s. The original plats provided for single family lots typically ranging from 40' – 50' feet in width and 5,000 – 10,000 square feet in area. Many home sites occupy two or more abutting lots. The overall net development density in the Village today is approximately one dwelling per 1/4 – 1/3 acre. This density of development has occurred without the customary loss of the woodland character that dominated the area one hundred years ago. The density and general character of the Village's neighborhoods are viewed as a fundamental asset and defining quality of the community. The continued maintenance and preservation of the Village's existing neighborhoods, including its development density and overall character, is a fundamental element of the Village Residential Area and the Plan as a whole.

New development on vacant lots should preserve the existing character of the community in regard to development densities, lot sizes and configurations. New development, and renovation projects, should strive to minimize adverse environmental impacts including unnecessary loss of trees and other natural vegetation, disturbances to dune and other shoreline areas, and erosion. The location of new and renovated residences, and their particular design, should strive to

allow the natural features and beauty of the site and community to come forward. Improvements to existing residences should be based on, in part, minimizing visual and other disturbances to nearby properties through such measures as adequate open spaces, the preservation of trees and tree buffers, and building setbacks intended to preserve the dominant character of the community today. To this end, the preservation of the Village's historic log cabin homes constructed by German-Swiss builder/architect Bill Jash should be encouraged but the discretion of the home owner should prevail.

The Future Land Use Strategy strongly discourages residential uses except of a single-family detached character. The well-established and dominant land use pattern today is single-family dwellings. The Village's road network is not adequate to accommodate the significant increase in vehicular traffic associated with two-family and multiple family development. Further, multiple family development requires public sewer which is not presently available, and typically requires a far higher rate of impervious surfaces and destruction of natural features than what is deemed acceptable in the Village.

The provision of opportunities for new residences on vacant lots, additions to existing residences, and the razing of existing dwellings and erection of wholly new homes, should not detract from the importance of the maintenance and improvements to the Village's existing housing stock and neighborhood quality of life. It is the residents of Michiana that shape its character and the quality and stability of the Village's housing affects all persons and families residing within. The Village's existing residential neighborhoods impact the real and perceived character of the Village as a whole, thereby affecting the Village's overall stability as a residential community. The quality of the Village's housing stock affects abutting and nearby property values. When deterioration in homes or lack of yard maintenance becomes excessive, individuals and families lose a sense of pride in their community.

In addition to the above, key policies of the Village Residential Area are as follows:

- Dominant use should be residential.
- Dwellings should be of a single-family detached character.
- The design and siting of new dwellings should encourage the perception of the Village as a resource-rich community including open spaces, woodlands, dune formations, and topographic relief.
- New development and redevelopment should be compatible with the current development densities, and not exceed approximately one dwelling per 5,000 – 10,000 square feet.

- Vegetation indigenous to the Michiana area should be encouraged.
- Compatibility between neighboring properties should be encourage through, in part, appropriate standards for setbacks, building heights, lot coverage, and outdoor lighting.
- All activities should be subject to rules and regulations intended to protect dunes and high risk erosion areas.
- Public sewer, if ever introduced, should not undermine the density policies of this Area, and should not serve as a basis for densities in excess of the dominant character of the Village today.

## **Commercial and Industrial Development**

The Future Land Use Strategy provides for no areas dedicated to the accommodation of commercial and industrial development as the principal use of the land. There is no industrial activity in Michiana today, and there is no traditionally recognized commercial development such as retail sales, consumer services, or offices. Commercial activity is restricted to home occupations that are generally inconspicuous to the public.

The lack of commercial and industrial development is, in part, indicative of the poor conditions for such uses in the Village. Except for public facilities, the Village is entirely residential in character. Its limited population, both seasonally and year-round, is not adequate to support commercial activity. The area, characterized by narrow road surfaces and the lack of public sewer, does not have the adequate public infrastructure to support commercial and industrial uses. The Village also lacks a primary thoroughfare to provide such uses with the access and visibility they typically require for long-term viability. In addition, nearby communities such as Grand Beach, New Buffalo, and Michigan City offer local residents a full complement of conveniently located consumer services and have the necessary infrastructure and services to support commercial and industrial development. Village residents have historically voiced strong opposition to the introduction of commercial or industrial uses in the Village. This policy regarding no encroachment of industrial or commercial development will be periodically revisited and should there arise an appropriate location and demonstrated need for such uses, this Plan will be amended accordingly.

## **Conservation of Natural Resources**

The previous discussions of the land use Areas touches upon the importance of preserving the community's natural resources. This importance is further emphasized by this section of the Future Land Use Strategy. The Village of Michiana is characterized by conditions that require a strong conservation theme including trees, woodlands, wetlands, streams, dunes, beaches, and topographic relief. These conditions define the Village's character as well as provide important environmental benefits including habitats for wildlife, flood control, groundwater recharge and discharge, and surface water purification. In some cases, these conditions place significant limitations to development. Irrespective of how land may be classified by the Future Land Use Strategy, the Plan strongly supports the preservation of these resources. Preservation should take precedence over unnecessary disturbance and/or destruction by land development practices. The presence of such resources should be recognized in the deliberation of development requests. Land uses requiring state and/or federal permits (especially for wetlands, dunes and floodplain alterations) should not receive final Village approval until satisfactory evidence has been submitted verifying the acquisition of all necessary permits. Where a portion of a parcel is characterized by environmentally sensitive areas, development should be directed elsewhere on the site where feasible and practical.

No development should be introduced without adequate provisions for sewage disposal and the protection of the Village's water resources, including both surface and groundwater resources. Household wastes should be disposed of properly including car oil, fuels, paints, and cleaners, and the use of pesticides, herbicides, fertilizers and similar materials should not be undertaken except in a responsible manner.

FUTURE LAND USE

## Chapter Five

# COORDINATED PUBLIC SERVICES

### Introduction

Chapter Four described the planned pattern of land use throughout the Village. The welfare of the Village and its residents and visitors is not a function solely of the Village's land use pattern and the manner in which new development is accommodated. The scope and level of public services and facilities greatly impacts the perceived quality of life in a community. In fact, the scope and level of public services and facilities can directly impact the feasibility of a particular land use pattern and the feasibility of a particular construction project. An important principle of the Future Land Use Strategy is that no new development should occur in the Village unless public services are adequate to meet the needs of that new development. Similarly, public service improvements, and the increased development that may result from such improvements, should not jeopardize the Village's interest in managing growth and development. Thus, it is very important that the Village provides adequate public services to further address the health and welfare needs of the community.

### Roads

Nearly all of the Village's roads share three common features – they are paved, tree-lined, and of a comparatively narrow width by today's standards (typically approximately 18' in drivable width and void of any shoulders). Cherokee Drive in the area of the Village Hall is noticeably wider. While the roads in the southeast corner of the Village and near Lake Michigan tend to be grid-like and level in character, the roads in the more central region of the Village are quite curvilinear and hilly.

The construction of new roads in the Village is of little relevance at this time. The Village is almost entirely built-out and vacant building sites already have frontage on the existing road network. Thus, at issue is assuring adequate access through appropriate maintenance and improvements. Such access pertains not only to property access by residents and visitors, but also to cases of emergency vehicle access for ambulatory needs and fire protection. The seasonal character of the community results in far more vehicular traffic and on-street parking during the warmer months.

The following policies are presented to assist the Village ensure adequate access throughout the community:

- 1) All roads should undergo period evaluation to determine their respective maintenance needs.
- 2) A maintenance schedule should be established and followed to minimize the necessity for major improvements and/or reconstruction projects.
- 3) All road projects, including maintenance activities, should be based upon recognized standards of design, construction, and maintenance.
- 4) Major road improvements should be coordinated with utility improvements where feasible, to minimize disturbances to residents and road-side trees and other vegetation.
- 5) Road construction and maintenance activities should be based on, in part, minimizing disturbance to road-side vegetation, and no trees should be removed from the road right-of-way unless it is determined that no feasible alternative exists.

- 6) Traffic counts along all road segments should be periodically recorded, according to recognized collection methods, to determine the comparative demand on each road segment. Such information should be used in evaluating maintenance and road improvement needs.
- 7) Excepting pressing public safety issues, such as an impassable road or otherwise dangerous road conditions, the level of traffic should dictate the priority of improvements when all other conditions are generally equal.

## **Sewage Disposal and Potable Water**

All residences in the Village receive public water service from Michigan City in Indiana, through an agreement between the two municipalities. A study was completed in 2004 by Merritt Engineering Inc. on the reliability of the water system. The report made several general recommendations applicable to the system as a whole to address fire protection flows and daily usage including:

- 1) Upgrade the system's booster pump to address the water demand that is now approximately 80% of the system's capacity.
- 2) Install a permanent back-up generator to address times of power outages.

There is no public sewer service in the Village. Residents rely on septic systems for sewage disposal. The local soils present severe limitations to on-site sewage disposal due to the high sand content and frequent excessive grades. Still, such systems have been effective for the community as a whole. This is likely due, in part, to the fact that the Village is served by a public water system rather than the withdrawal of ground water from close proximity to septic drain fields. Improperly operating septic systems can contaminate potable groundwater resources. However, the public water system does not protect White Creek from potential degradation associated with the failure of septic fields.

The following policies are presented to assist the Village ensure adequate water and sewage disposal needs:

- 1) All on-site sewage disposal and potable water facilities should be constructed and maintained in accordance with the requirements and standards of the Berrien County Public Health Department, Michigan Department of Community Health, and other applicable local, county, state or federal agencies.

- 2) Any public sewer introduced or expanded in the Village should be in response to a public health threat, or where there is widespread support for such service after dissemination of factual information regarding costs, environmental disturbances, and other construction features.
- 3) Any future decision by the Village to provide or expand public sewer service should be based on an in-depth analysis of all available options, including service provided through cooperative agreements with neighboring municipalities.
- 4) All properties should rely on the available public water service, versus on-site wells, provided such service is deemed to be adequate and safe.
- 5) The public water system should be periodically evaluated to identify, in advance, potential demand, capacity, or purity deficiencies.

## **Police and Fire Protection Services**

It is important that the Village ensure that adequate fire and police protection services are available to existing and future residents and property. The Village provides its own police protection through the Village of Michiana Police Department, stationed at the Village Hall. Fire protection is provided by the New Buffalo Township Fire Department, with the nearest fire station located approximately one mile northeast near Grand Beach. The Village also has a mutual aid agreement in times of need with the Michiana Shores Volunteer Fire Department, located approximately one-quarter mile south of the Village on El Portal Drive in Indiana.

Commonly referenced standards regarding fire protection suggest a maximum service radius from a fire station in agricultural and low density residential areas of 2 1/2 to 4 miles, and approximately 3/4 to 2 mile service radius in commercial, industrial, and high density residential areas. With the fire station located just a short distance from the Michiana Drive/El Portal Drive intersection, the entire Village falls within 1 1/4 road miles of the station.

The previously referenced Merritt Engineering Inc. study of the water system's reliability identified several recommendations for improving fire protection flows in Michiana:

- 1) Replace the 4" diameter watermain along Lakeshore Drive, and the 2" diameter water line along Powhatan Drive, with 6" watermains. This recommendation is considered to be of greatest priority (see Merritt Study).

- 2) Replace the 4" diameter watermain along Ponchartrain Drive, between Avalon and Seminole Trails, with 6" watermains (see Merritt Study).
- 3) Replace the 4" diameter watermains with 6" watermains along Chikagami Trail, Comanche Trail, Choctaw Trail, and Creek Drive, and add additional fire hydrants in this area as well (see Merritt Study).

There are no commonly accepted standards for police protection levels. Adequacy is frequently measured as a function of public satisfaction. The Village residents have generally expressed strong satisfaction with their local police and fire protection services.

The Village should investigate the public support, costs and construction aspects of undertaking the recommendations of the Merritt Engineering study. The Village should continually monitor police and fire protection needs and service, and explore options for improving service levels should deficiencies be identified. Monitoring should include staff levels, vehicles and equipment, facilities and facility resources including configuration of work areas, response times, and public perceptions.

## Recreation

The Village owns and maintains a park and several beach areas. The Village's single park facility is located on the same parcel and directly north of the Village Hall on Cherokee Drive. Recreation facilities include basketball courts; tennis courts; childrens' playground including climbing and play equipment; a pavilion; and a small irregularly shaped field, with a backstop, that can be used for various field sports and activities. The park covers approximately two acres. In addition to the Village Hall park, the Village owns approximately 6.7 acres of Lake Michigan beach area including 1,800' of shoreline. This frontage is divided among nine beach areas ranging in size from approximately 1/3 acre to 2.8 acres. Village residents with vehicle transportation also have access to recreational facilities associated with regional school and public park facilities.

Michiana recognizes that the well being of its residents is affected by the availability of recreation opportunities. The Village further recognizes that the type and availability of nearby recreation facilities are important. As the Village is not likely to experience significant growth in the years to come, the adequacy of recreation largely becomes a function of:

- 1) Total acreage available today.
- 2) Distribution and accessibility of park sites.
- 3) Scope of recreational activities available.

The approximately 8.7 acres of recreation land in the Village serves a population ranging from 200 to 700 persons depending upon the season. Even during the Village's most populated months, the Village's 8.7 acres of recreation land exceeds the commonly referenced recreation guideline of 10 acres of park land per 1,000 population. The Village Hall park is located within approximately one-third mile of nearly all residents, and nearly every resident is within approximately one-third mile of a public beach.

The extent to which residents are satisfied with the current recreation opportunities in and around the Village is not clearly understood at this time. A survey of resident attitudes specifically addressing recreation issues has not been undertaken in recent years.

The following policies are presented to assist the Village ensure the recreation needs of Village residents are met:

- 1) The Village should monitor local satisfaction with recreation opportunities through periodic surveys, public meetings, and/or other input tools
- 2) If public sentiment indicates a deficiency, the Village should identify an action plan to address the identified need including funding, timing and location.
- 3) No improvements should be made to the Village Hall park prior to the development of a park master plan. The plan should identify the most appropriate manner to accommodate the desired recreation opportunities within the context of the park's site conditions.
- 4) The Village should establish a maintenance program to ensure all recreation facilities and equipment are in proper and safe condition.
- 5) The Village's public beaches should be maintained free of structures and environmental alterations except for the purpose of ensuring reasonable access.



## Chapter Six

# IMPLEMENTATION

### Introduction

This Master Plan establishes a strategy for growth, development and preservation in the Village of Michiana. The Plan is comprised of policies that are presented in both graphic and narrative form and are to provide basic guidelines for making reasonable, realistic community and site development decisions. It establishes policies and recommendations for the proper use of land and the provision of public services and facilities. The Plan is intended to be used by local officials, residents, those pursuing private sector developments, and by all others interested in the future of the Village. The Plan is a policy document. As a policy document, the Plan's effectiveness is directly tied to the implementation of its policies through specific tools and actions.

The completion of the Plan is one part of the planning process. Realization or implementation of the goals, objectives and policies of the Plan can only be achieved by specific actions, over an extended period of time, and through the cooperative efforts of both the public and private sectors.

Implementation of this Plan may be realized by actively:

- 1) Encouraging community-wide knowledge, understanding, and support of the Plan, and the continuing communication with and involvement of the citizenry.
- 2) Regulating the use and manner of development through up-to-date reasonable zoning controls, building and housing codes, other regulatory tools, and development incentives.
- 3) Establishing a program for maintaining and enhancing public services.

The purpose of this Chapter is to identify implementation tools and where applicable, specific actions to be pursued.

### Public Support, Communication and Community Involvement

Citizen participation in and understanding of the general planning process and the specific goals, objectives and policies of the Plan are critical to the success of the Village's planning program. Understanding and supporting the Plan by local residents can greatly enhance its implementation. This support may be found in citizen support for bond proposals, special assessments, zoning decisions, and construction proposals.

In order to organize public support most effectively, the Village must emphasize the necessity of, and reasons for long-range planning and the development of the Master Plan. The Village must encourage citizen participation in on-going community planning efforts.

Specific actions to be undertaken to encourage public understanding and support of the Village's planning program, and the continued communication with and involvement of residents, are presented in the following list.

- 1) Ensure that copies of the Master Plan are readily available for viewing at the Village Hall.
- 2) Post the Future Land Use Map of the Master Plan in the Village Hall where it is clearly visible.
- 3) Make the Master Plan and a listing of current events pertaining to planning and zoning matters available on the Village's web site.

- 4) Apprise residents of tentative agendas of all public meetings of the Village Council and Planning Commission through Village Hall postings and its web site.
- 5) Conduct an annual public hearing for the purposes of reporting on current planning efforts and the status of the Master Plan, and providing residents with the opportunity to share concerns and suggestions.
- 6) Use the yearly Michiana Villager newsletter to, in part, inform residents about the Village's planning and zoning program.
- 7) Support a "Welcome Wagon" program to greet new residents.
- 8) Encourage "Neighborhood Watch" programs in each neighborhood to promote cooperation and communication.
- 9) Encourage continued communication and cooperation with neighboring communities.
- 10) Ensure all Village staff with direct citizen contact has a basic understanding of the Master Plan and related enforcement mechanisms.
- 11) Make information available to the public on the Village's various ordinances including their general purpose, scope, and procedures for resolving conflicts or violations.

## Land Development Codes

### Zoning Ordinance

A zoning ordinance is the primary tool for implementing a Master Plan through the regulation of the use of land. A zoning ordinance generally divides a community into districts and identifies those land uses permitted in each district. Each district prescribes minimum standards that must be met such as minimum lot area, lot width, and building setbacks. Zoning regulations for villages are adopted under the authority of the City/Village Zoning Act, P.A. 207 of 1921, as amended. The purpose of zoning, according to the Act, is to (in part): *"...regulate and restrict the use of land and structures; to meet the needs of the state's citizens for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land; to ensure that uses of the land shall be situated in appropriate locations and relationships; to limit the overcrowding of land and congestion of population and transportation systems and other public facilities..."*

Permitted land uses in a district are generally designated as "*uses permitted by right*" and "*special land uses*". This differentiation is an important tool.

Uses Permitted by Right: Uses permitted by right are the primary uses and structures specified for which a particular district has been established. An example may be dwellings in a residential district.

Special Land Uses: Special land uses are uses and structures that have been generally accepted as reasonably compatible with the primary uses and structures within a district. However, because of their specific character, they may present potential injurious effects upon the primary uses within the district or are otherwise unique in character. These uses require special consideration in relation to the welfare of adjacent properties and to the Village as a whole. Such uses require a heightened level of scrutiny in their review. Officials are afforded greater discretion in determining whether a particular special land use is appropriate on a particular site. An example may be a cemetery or church in a residential district.

Another important tool is the requirement for the submittal of a plot plan or site plan illustrating proposed alterations and improvements to a lot. Such a plan assists local officials to determine if the development complies with all standards of the Zoning Ordinance to ensure it is designed to encourage compatibility with surrounding land uses.

Adoption of zoning regulations by the Village Council provides the legal basis for enforcement of such provisions. The ultimate effectiveness of the ordinance's provisions, however, is dependent upon the overall quality of ordinance administration and enforcement. The Planning Commission, Village Council, Zoning Administrator and staff are responsible for carrying out zoning/development related functions including the review of development plans, site inspections, information dissemination, enforcement, and other functions. Each of these functions can require a substantial investment of time. Adequate staff levels and expertise are critical to ensure that these essential day-to-day functions are met and appropriate development results. In some cases, professional planners, engineers and other persons of special skills may be beneficial for the review of development proposals.

The Village first adopted zoning regulations more than 50 years ago and has periodically updated its zoning provisions to address changing conditions and policies in the Village. The zoning ordinance was last updated in 1992. With the adoption of this Master Plan, the Village's zoning ordinance should again be reviewed to identify any amendments that may be beneficial to implement the policies of the Plan, ensure fair and consistent decision-making, and minimize regulations of variable interpretation.

Local officials should undertake an evaluation of the Zoning Ordinance to determine whether the Ordinance is in coordination with the Master Plan. If a lack of coordination is evident, a determination should be made as to whether amendments to the Zoning Ordinance or Master Plan are in order. If deficiencies in the Ordinance are identified, officials should develop a program for addressing the deficiencies through prioritized amendments. However, depending upon the extent or character of the deficiencies, prioritization may be difficult due to the potential overlap and inter-relatedness of the deficient sections. Ultimately, officials should develop a set of amendments to address the deficiencies or develop a wholly new ordinance if the required amendments are extensive, lengthy and/or complex.

The Planning Commission should take the lead in this endeavor and once an updated set of zoning regulations has been developed to the satisfaction of the Planning Commission, taking into consideration public input received from at least one public hearing, the Planning Commission should then submit its recommendations to the Village Council for consideration. It is recommended the following minimum issues be addressed:

- 1) *Definitions*: The definitions section of the Ordinance should be strengthened considerably. Certain definitions are somewhat vague and open to variable interpretation. There are numerous key terms used in the Ordinance that are not defined including, but not limited to: *lot lines, church, lot area, structure, back yard, front yard, lot width, family, community buildings, corner lot, and school*. The lack of adequate terms and definitions encourages variable interpretation of the Ordinance's provisions and associated administration and enforcement difficulties.
- 2) *Administration and Development Review*: The Ordinance does not clearly present the step-by-step process for submitting development plans, the information required and the standards upon which they are to be reviewed. In addition, the Village should consider deferring all new home construction, and some or all home additions, to the approval of the Planning Commission or other multiple-person body, for the purpose of

determining conformance with all standards of the Ordinance. All administrative provisions should be clear to ensure consistency in the application of the Zoning Ordinance.

- 3) *Dune/HREA Regulation*: Consideration should be given to taking on local responsibility for the enforcement of state statutes addressing dune and high risk erosion area development. However, such an undertaking should be accepted only after a full understanding by local officials of the substance of such statutes including their development standards, the local staff time demands and expertise necessary to administer such statutes, and the financial implications for the Village to pursue enforcement should violations occur.
- 4) *Administration and Enforcement*: The Ordinance does not delineate in a clear fashion enforcement procedures including the filing of alleged violations, issuance of notices of violation, and violation correction periods. Such enforcement provisions should be clear to ensure consistency in the application of the Zoning Ordinance.
- 5) *Zoning Board of Appeals (ZBA)*: The Ordinance provides little guidance to the Zoning Board of Appeals and prospective applicants regarding the ZBA's role and responsibilities, application requirements and the step-by-step process for accepting and reviewing applications, and the standards by which administrative appeals, interpretations and variances are reviewed.
- 6) *Amendments*: The Ordinance provides little guidance to the Planning Commission, Village Council, and the general public regarding general requirements for text and zoning map amendments to the Ordinance, including the role and responsibilities of each party involved, petition requirements and the step-by-step process for accepting and reviewing amendment petitions, and the standards by which such petitions are reviewed.
- 7) *Home Occupations*: The Ordinance does not clearly present regulations addressing home occupations including the permit/approval process and the standards to ensure such activities do not negatively impact the surrounding dwellings and neighborhood.
- 8) *Districts*: The following matters should be examined regarding the Ordinance's districts:
  - a. The Ordinance lacks purpose statements for the respective districts. The lack of strong and comprehensive statements undermines the Village's efforts to perform and defend effective development reviews, effectively evaluate text and or rezoning map amendments, and develop coordinated development standards to shape the character of development.

- b. The development standards of the districts should be evaluated for their effectiveness regarding the desired character of development and their actual results. For example, the authorized 35% lot coverage and minimum 1,500 square foot dwelling floor area may encourage unnecessary loss of trees, and the lack of greater setback requirements for the taller portions of multiple-story dwellings increases the visual mass of a dwelling from neighboring property lines. In addition, development provisions should be re-evaluated for their appropriateness, clarity and ease of enforcement including those pertaining to, but not necessarily limited to, architectural design.
  - c. Consideration should be given to: a) removing the Commercial District, developing a new district to address the Future Land Use Strategy's Shoreline Residential/Preservation Area, and reviewing the respective boundaries of the two residential districts ("Lake Front" and "Residential") to determine if beneficial refinements are in order.
  - d. To more effectively protect residential areas, consideration should be given to establishing a new Public Lands District to address public lands such as beach areas, parks, and the Village Hall, rather than allowing such uses as part of a residential district. As an alternative, consideration should be given to classifying all non-residential uses in the residential districts as special land uses (such as community buildings, schools, libraries, etc.).
- 9) *Environmental Protection*: Consideration should be given to establishing a separate section of the Ordinance devoted solely to environmental protection issues including air, water and land discharges; sewage disposal; clearing; tree removal; noise; and lighting. Where such matters are addressed by other self-standing ordinances of the Village, the Zoning Ordinance should refer the reader to such ordinances. In addition, the current Ordinance's clearing and tree removal provisions should be presented in a more clear and comprehensive manner to minimize variable interpretations and encourage consistent decision-making and enforcement success.

Based on the above, the preparation of a wholly new Zoning Ordinance may be beneficial. Should this task be undertaken, the new Ordinance should be formatted in a more organized and user-friendly manner, and with clear wording that minimizes variable interpretations.

## **Other Special Purpose Ordinances**

While zoning regulations are the most frequently used tool for the regulation of land use and development, the control of land use activities can extend beyond their respective scopes. Special purpose rules and regulations can complement zoning regulations and further the implementation of the Master Plan. The Village of Michiana has adopted numerous such ordinances including ordinances that address noise, animals, waste disposal, signs, garbage, explosives, flood hazard areas, lighting, abandoned vehicles, and more. The Village should evaluate its current special purpose ordinances and determine what new ordinances, and/or amendments to current ordinances, may be beneficial to further implement the Master Plan. It is recommended the following minimum issues be considered:

- 1) The Village's light ordinance should be fully reviewed to ensure adequate detail regarding what type of lighting is permitted and prohibited. Such provisions should address basic issues including permissible foot candle illumination, shielding of light sources, height of lights, and location of lights.
- 2) Adopt a "*clean creek*" ordinance, or amendments to existing Village environmental codes, to address improper clearing and discharging of runoff or wastes in or near White Creek.
- 3) Adopt a property maintenance ordinance to address such matters as grass cutting and the control of weeds, outdoor storage of inoperative vehicles, control of litter, and structures in disrepair.
- 4) Adopt a rental property ordinance to ensure that rental homes do not undermine the public health, safety and welfare including such matters as the storage and disposal of garbage and other waste, the parking of vehicles, the number of persons permitted per bedroom, and the maintenance of rental units and surrounding yard areas.

## **Capital Improvements Programming**

The orderly programming of public improvements is to be done in conjunction with the Master Plan. The manner in which this occurs is called Capital Improvements Programming. In its basic form, a Capital Improvements Program (CIP) is a complete list of all proposed public improvements planned for a six year period (the time span may vary), including costs, sources of funding, location, and priority. It is a schedule for implementing public capital improvements that acknowledges current and anticipated demands, and recognizes present and potential financial resources available to the community. The CIP is not intended to encourage the spending of additional public monies, but is simply a means by which an impartial evaluation of needs may be made. The CIP outlines the projects that will replace or improve existing facilities, or that will be necessary to serve current and projected land use development within a community.

Advanced planning for public works through the use of a CIP ensures more effective and economical capital expenditures, as well as the provision of public works in a timely manner. Few communities are fortunate enough to have available at any given time sufficient revenues to satisfy all demands for new or improved public facilities and services. Consequently, most are faced with the necessity of determining the relative priority of specific projects and establishing a program schedule for their initiation and completion. The use of capital improvements programming can be an effective tool for implementing the Master Plan.

In developing a CIP, the following minimum issues should be considered:

### Police Protection

- 1) Indoor facility needs including office area requirements.
- 2) Outdoor facility needs including parking, vehicle purchases and maintenance, and the erection of a carport structure to protect the vehicles from the elements and improve response times.

### Fire Protection

- 1) Replace the 4" diameter watermain along Lakeshore Drive, and the 2" diameter water line along Powhatan Drive, with 6" watermains (see Merritt Study).
- 2) Replace the 4" diameter watermain along Ponchartrain Drive, between Avalon and Seminole Trails, with 6" watermains (see Merritt Study).
- 3) Replace the 4" diameter watermains with 6" watermains along Chikagami Trail, Comanche Trail, Choctaw Trail, and Creek Drive, and add additional fire hydrants in this area (see Merritt Study).
- 4) Vehicle purchases and maintenance.
- 5) Accessory safety device purchases.

### Water Service

- 1) Upgrade the system's booster pump to address the water demand that is now approximately 80% of the system's capacity (see Merritt Study).
- 2) Install a permanent back-up generator to address times of power outages (see Merritt Study).

### Village Hall

- 1) Improvements to the meeting room including tables, seating, sound system, lighting, and restrooms.
- 2) Adequacy of the size and configuration of office spaces.
- 3) Adequacy of handicap access including restrooms.
- 4) Adequacy of arrangement and number of parking spaces.
- 5) Back-up generator system.

### Recreation

- 1) Village Hall park improvements as needed, including replacement of equipment as needed.
- 2) Public beach improvements as may be needed, generally limited to ensuring safe access.

### Transportation

- 1) Improvements to intersections where accidents are recurrent.

## **Maintaining a Current Master Plan**

Successful implementation of desired policies requires the maintenance of a current Master Plan. The Master Plan should be updated periodically. The Plan must be responsive to community changes if it is to be an effective community tool and relied upon for guidance. Periodic review of the Plan should be undertaken by the Planning Commission, Village Council, and other officials to determine whether the Plan is sensitive to the needs of the community and continues to chart a realistic and desirable future. Community changes that may suggest amendments to the Plan include changing conditions involving available infrastructure and public services, growth trends, unanticipated and large-scale development, and changing community aspirations. The importance of maintaining a current Plan is reflected by the 2002 amendment to the Municipal Planning Act that requires a Planning Commission to review its Master Plan at least every five years to determine whether amendments or a wholly new Plan is necessary. However, an annual review of the Plan is recommended to ensure the Plan stays current with the continuing evolution of the Village.

Important questions that should be asked during a review of the Plan include:

- 1) Does the Plan present valid and current inventory data?
- 2) Does the discussion of planning issues and goals/objectives (Chapter Two) continue to be appropriate for the Village today and, if not, what additions, deletions or other revisions should be considered?
- 3) Does the Future Land Use Strategy (Chapter Four) continue to reflect the preferred strategy for addressing development and preservation and, if not, what revisions should be considered?

Amendments to the Plan, or the preparation of a wholly new Plan, should follow the procedures delineated in the Municipal Planning Act in addition to measures the Village believes will enhance the planning process. The Village should seek substantive community input on possible changes during the early stages of the update process.

# Appendix A

# **INVENTORY MAPS**

**Principal Conditions  
Land Division  
Aerial View**